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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,087	03/31/2004	Jason Hensley	F02.2-11374-US01	7351

490 7590 09/26/2005

VIDAS, ARRETT & STEINKRAUS, P.A.  
6109 BLUE CIRCLE DRIVE  
SUITE 2000  
MINNETONKA, MN 55343-9185

EXAMINER
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PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/815,087	<b>Applicant(s)</b> HENSLEY ET AL.	
	<b>Examiner</b> Alexandra K. Pechhold	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>filed 6/16/04</u> . | 6) <input type="checkbox"/> Other: _____  |

*HL*

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Pollitz et al (US 3,453,939).**

Regarding claim 1, Pollitz discloses a machine for casting concrete panels on an elongated casting bed having a bottom and opposing side forms, the improvement comprising:

a) a segmented screed having a frame (seen as housing 1) above said casting bed and a plurality of screed units (seen as metering gates 32, 32' and rams 35, 35' in Fig. 5), said screed units each having a lower screed plate (seen as the plates of the gates 32, 32'); and

b) each of said screed units being mounted to said frame for vertical travel (see Col 7, lines 52-65) only such that the lower screed plates together when at a lowest position present a unified screed line to contact and screed concrete on said casting bed (which will occur when the gates 32, 32' are at their lowest position).

Regarding claim 2, Pollitz discloses each of said screed units includes a lifting

Art Unit: 3671

mechanism (seen as hydraulic rams 35, 35' in Fig. 5) to raise and lower the screed unit such that all screed units may be raised or lowered together or selectively.

Regarding claim 3, Pollitz discloses that the lifting mechanism is hydraulically operated and each of said screed units includes a hydraulic mechanism comprising a hydraulic cylinder driving a piston attached to said screed units such that said screed units may move up and down relative to said frame (seen as hydraulic rams 35, 35' in Fig. 5 and Col 7, lines 52-65).

Regarding claim 4, Pollitz discloses a segmented concrete screed for use in screeding concrete on a casting bed, said segmented concrete screed including an elongated frame (seen as housing 1) to which a plurality of individual screed units are slidably attached (seen as metering gates 32, 32' and rams 35, 35' in Fig. 5), each of said screed units including a lower screed plate (seen as the plates of the gates 32, 32'), said screed units being attached to said frame such that all of the screed plates may be aligned to form a single continuous screeding line, each of said screed units being movable between a lowest position relative to said frame and a highest position (see Col 7, lines 52-65).

Regarding claim 5, Pollitz discloses each of said screed units is movable between said lowest and highest positions by a hydraulic mechanism which includes a hydraulic cylinder and a piston (seen as hydraulic rams 35, 35' in Fig. 5) attached to said screed unit to provide vertical travel of said screed unit relative to said frame (see Col 7, lines 52-65).

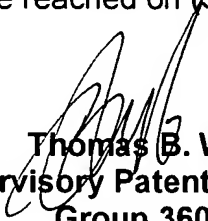
Art Unit: 3671

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (571) 272-6994. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998. The fax phone number for this Group is (703) 872-9306.

  
**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

AKP  
9/20/05